

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David W. Roth et al.

Application No.: 09/216,206

Confirmation No.: 1079

Filed: December 18, 1998

Group Art Unit: 3622

For: INTERNET ADVERTISING SYSTEM Examiner: John W. Van Bramer

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

The owner, BEH Investments LLC, a Delaware limited liability corporation, of one hundred percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 6,285,987 ("prior patent") as the term of said prior patent is defined in 35 U.S.C. §154 and §173; and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321;
- (e) has all claims canceled by a reexamination certificate;
- (f) is reissued; or

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Terminal Disclaimer

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(g) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned, an officer of the owner, is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Benzion Wachsman
Signature

February 15, 2007
Date

Benzion A. Wachsman
Typed or printed name

(718) 928-2213
Telephone Number

Terminal disclaimer fee under 37 CFR §1.20(d) is included.

Statement under 37 CFR §3.73(b) is being filed herewith.

Terminal Disclaimer

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Examiner: James W. Van Bramer

STATEMENT UNDER 37 CFR § 3.73(b)

BEH Investments LLC, a Delaware limited liability corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above, by virtue of a chain of title from the inventor of the patent application identified above, to the current assignee as shown below:

1. From: David W. Roth, Dylan F. Salisbury To: Orst, Inc.
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The undersigned is duly authorized to act on behalf of Assignee.

Dated: February 15, 2007

Respectfully submitted,
Signature: /Benzion A. Wachsman/
Benzion A. Wachsman
General Manager
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